

CACS-0017

PATENT



RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP NO. 2856

*#14/Response
C/B
Ancand
3/3/03*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Williams, et al.

Confirmation No.: 6295

Serial No.: 09/786,176

Group Art Unit: 2856

Filed: November 13, 2001

Examiner: **Politzer, Jay L**

For: **SEMICONDUCTOR GAS SENSING**

EXPRESS MAIL LABEL NO: EL 827241639 US
DATE OF DEPOSIT: February 26, 2003

Box AF
Assistant Commissioner For Patents
Washington, D.C. 20231

Dear Sir:

REPLY PURSUANT TO 37 C.F.R. § 1.116

In response to the Office Action mailed November 26, 2002 in connection with the above-captioned patent application, Applicants respectfully request that the application be reconsidered in view of the following remarks.

Claims 1 and 3, all claims pending, stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 5,811,662 (the "Williams patent") in view of U.S. Patent No. 4,827,075 (the "Baker patent"). Applicants respectively traverse this rejection because the cited references are from different fields, and there is no evidence of record indicating that those of ordinary skill would have been motivated to combine them, much less to combine them in a manner that would have produced a claimed invention.

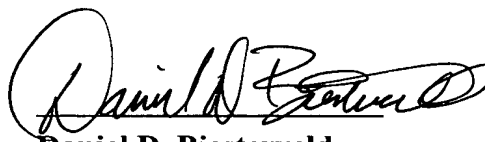
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In response to Applicants' prior remarks concerning the absence of any motivation to combine the respective teachings of the Williams and Baker patents, the Office Action alleges that such motivation would have been provided by the fact that "the quoted sections of Baker deal with the manufacture of a WO₃ sensor." (Office Action mailed Nov. 26, 2002, paragraph 4). The Baker patent, however, clearly does not deal with manufacturing WO₃ sensors. Rather, it is directed to a catalyst for the production of hydrocarbons, not sensors. Neither the word "sensor", nor any equivalent, appears in the Baker patent, and there is no suggestion to use the disclosed catalyst as a gas sensor. Further, there is no reason to believe that those of ordinary skill seeking to develop gas sensing methods would have been motivated to consult hydrocarbon production art such as the Baker patent.

Thus, the teaching of the Baker patent is non-analogous art to that of the Williams patent because, contrary to the examiner's assertion, it does not concern WO₃ sensors. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 103.

In view of the foregoing, Applicants respectfully submit that the claims are in condition for allowance. An early notice of the same is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative at (215) 557-5963 if there are any questions regarding Applicants' claimed invention.

Respectfully submitted,



Daniel D. Biesterveld
Registration No. 45,898

Date: February 26, 2003

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Philadelphia, PA 19103
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02-27,03

AF/2800

DOCKET NO.: CACS-0017

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Confirmation No.: 6295

Williams, et al.

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EL827241639US

Box ☐ NON-FEE

☒ AF

Assistant Commissioner for Patents
Washington DC 20231

Sir:

REPLY TRANSMITTAL LETTER

Transmitted herewith for filing in the above-identified patent application is:

- ☐ A Preliminary Amendment.
- ☒ An Amendment Responsive to the Office Action Dated November 26, 2002.
- ☐ An Amendment Supplemental to the Paper filed _____.
- ☐ Other: _____.

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- ☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:
- ☐ an Independent Inventor
 - ☐ a Small Business Concern
 - ☐ a Nonprofit Organization
- ☐ This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.
- ☐ Loss of Entitlement Enclosed
- ☐ Substitute Pages _____ of the Specification are enclosed.
- ☐ An Abstract is enclosed.
- ☐ _____ Sheets of Proposed Corrected Drawings are enclosed.
- ☐ A Certified Copy of each of the following applications: _____
_____ is enclosed.
- ☐ An Associate Power of Attorney is enclosed.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
 - ☐ A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- ☐ Appended Material as follows: _____
- ☐ Other Material as follows: _____

FEE CALCULATION

☒ No Additional Fee is Due.

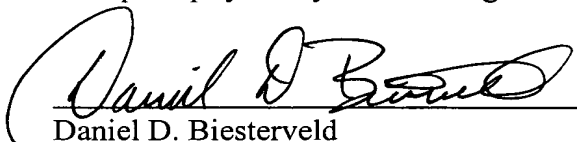
				SMALL ENTITY		NOT SMALL ENTITY	
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	2	20 (20 MINIMUM)	0	\$9 EACH	\$	\$18 EACH	\$0
INDEP. CLAIMS	1	3 (3 MINIMUM)	0	\$42 EACH	\$	\$84 EACH	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$	\$280	\$0
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$	\$110	\$0
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$200	\$	\$400	\$0
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$460	\$	\$920	\$0
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$720	\$	\$1440	\$0
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$980	\$	\$1960	\$0
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$	\$110	\$0
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE							\$0

- ☐ A check is enclosed in the foregoing amount due.
- ☐ Petition is hereby made under 37 C.F.R. 1.136(a) (fees: 37 C.F.R. § 1.17(a)(1)-(4) to extend the time for response to the Office Action of @@ to and through @@ comprising an extension of the shortened statutory period of @ month.
- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to Deposit Account 23-3050. This sheet is provided in duplicate.
- ☐ The foregoing amount due for filing this paper.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the U.S. Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: February 26, 2003


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